

* DOCKET IN ALL RNC CASES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

04 CIV 7922 (KMK)
(JCF)

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TARASIK ABDELL, et al.

Plaintiffs,

9 PROPOSED ORDER
RE. MISSING DOCUMENTS

-versus-

05 CV 8453 (KMK)(JCF)

THE CITY OF NEW YORK, et al.,

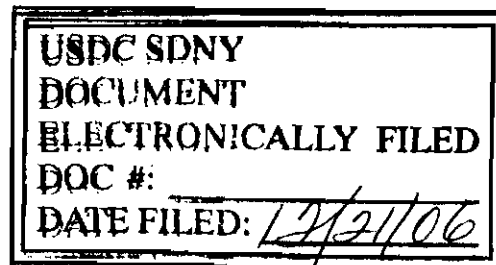
Defendants.
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If the defendants are unable to produce a specific document of a type which they have agreed to produce, or have been ordered to produce, counsel for defendants shall provide a written statement concerning inability to produce the document ("Statement"). The Statement shall set forth the following:

1. The specific chain of custody of the document from the time of its creation to its expected storage place. If the specific chain of custody is unknown, defendants shall provide the customary chain of custody for a document of its type.
2. The name of the person, and their title, who has made a search for the document.
3. A statement of the specific efforts made by that person to locate the document, and the locations searched.
4. A statement upon actual knowledge, or information and belief, concerning what happened to the document, or a statement that the person has no explanation for its non-existence.

The Statement shall be signed by an attorney for defendants and served upon plaintiff's counsel within the time set for production of the document.

Defendants shall be precluded from offering any document referenced in a Statement ~~or~~



~~any testimony concerning the existence of such a document,~~ ^{absent good cause} at trial unless plaintiff's counsel consents thereto. If the defendants discover the location of the document after submission of a Statement concerning the document, they shall produce the document to plaintiff's counsel, but such production shall not alter the preclusive effect of a Statement concerning the document.

James C. Francis IV
Hon. James C. Francis IV
U.S.M.J. 12/21/06